

38. An isolated nucleic acid molecule comprising a nucleotide sequence which encodes a fragment of a polypeptide comprising the amino acid sequence of SEQ ID NO:2, 5, or 8, wherein the fragment comprises at least 15 contiguous amino acid residues of the amino acid sequence of SEQ ID NO:2, 5, or 8.

39. A method of expressing a polypeptide comprising the step of culturing the host cell of claim 11 under conditions in which the nucleic acid molecule is expressed, thereby expressing the polypeptide.

REMARKS

Claims 1-26 were pending in the application. Applicants herewith elect the Group I invention (claims 1-12) with traverse. Accordingly, claims 13-26 directed to the non-elected invention have been cancelled without prejudice. Claims 3, 6, and 7 have also been cancelled without prejudice, claims 1, 2, 4, 5, 8, 9, 11, and 12 have been amended, and new claims 27-39 have been added. Accordingly, claims 1, 2, 4, 5, 8, 9, 11, 12 and 27-39 are currently pending. For the Examiner's convenience the currently pending claims are set forth herein as Appendix A.

No new matter has been added. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Response to Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121.

- I. Claims 1-12, drawn to nucleic acids encoding a NIP2 homolog, constructs containing the nucleic acid and a recombinant method of making a protein.

- II. Claims 13-15, drawn to a NIP2 homolog.
- III. Claim 16, drawn to antibodies specific for NIP2 homologs.
- IV. Claims 17-19, drawn to assays and kits for detection of NIP2 homologs.
- V. Claims 20-22, drawn to primer, probes and a method of detecting NIP2 homolog encoding nucleic acids by hybridization.
- VI. Claims 23-24 and 26, drawn to assays for detection of NIP2 homolog binding proteins.
- VII. Claims 25, drawn to a method for modulating the activity of a NIP2 homolog.

Applicants hereby elect the Group I invention (claims 1-12) for prosecution in this application, without traverse.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.



Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laccotripe".

Maria C. Laccotripe
Agent for Applicants
(Limited Recognition Under
37 C.F.R. § 10.9(b))

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

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